



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,326	03/03/2004	Paul Drew	200314587-1	4374
22879 7590 08/27/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER LE. TAN	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 08/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/792,326	Applicant(s) DREW ET AL.	
	Examiner Tan Le	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17-20 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Applicant's amendment and petition filed May 29, 2007. Upon reconsideration, it has been determined that the restriction requirement mailed was in error and the requirement for restriction has been withdrawn with respect to claims 1-13, 17-20 and 25. An action on the merits of claims 1-13 and 17-20 and 25 is presented below, claims 14-16 having been cancelled by Applicant. Therefore the petition filed concurrent with this amendment is moot.

Note that method claims 21-24 are still withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the servo operably connected to the second assembly as claimed in claims 1, 5-6, 8, 17, 20 must be shown or the feature canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

Art Unit: 3632

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show a servo operably connected to the second assembly as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each

Art Unit: 3632

drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 8-13, 17-20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,874,738 to Ishizaki et al.

As to claim 1, Ishizaki et al. discloses an adjustable elevation of a display comprising: a first assembly (spiral spring) (2) (Figs. 1-2) configured to produce a fixed lifting force; a second assembly (53) configured to produce a user configurable friction force; a monitor support assembly (3, 4) operably connected to the first assembly (2) and the second assembly (53), the monitor support assembly configured to support a monitor and to have the fixed lifting force and the user configurable friction force counteract a vertical downward force produced by the monitor, and a monitor support assembly guide (1) configured to direct and constrain a vertical motion of the monitor support assembly.

Ishizaki et al's second assembly, which basically comprises a manually clamping bolt 53 inserted into a holes 52C along with other pieces 51 (nut) and 52 (stopper) so as to prevent the elevating member 3 from being felt down toward the base member 1 and to regulate the horizontal movement of the elevating member 3. Ishizaki et al. discloses substantially as discussed above except for an automatic control servo that operably connected to the second assembly for moving the second assembly to produce the configurable friction force. However, to have an automate control to produce the configurable friction force such as a servo that converts a small mechanical motion into requiring much greater power and function as brakes is considered well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a servo connected to the second assembly of Ishizaki et al. to produce the configurable friction force, since it has been held that broadly providing a mechanical or automatic means to control or replace manual activity, which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 192.

As to claim 2, wherein the first assembly includes a spring (spiral spring 2)

As to claims 3-4, Ishizaki et al. differs from claims 3 and 4 of the present invention in whether the monitor support assembly can be moved vertically by applying a force with a vertical component of less than ten Newtons to one or more of (claim 3), and/or of less than one Newton to one or more of, the monitor support assembly, and the monitor. Ishizaki et al does not specifically recite such force. However, to have select/apply such forces in order to move the monitor support assembly vertically is

Art Unit: 3632

deemed obvious over Ishizaki et al. because it was obvious that the device of Ishizaki can be lifted the monitor support assembly vertically by applying a certain force; and more specifically the device can be adjusted by loosening or tightening the nut 53 or changing the size of the coil 2 to a certain force in order to lift or counterbalance a certain weight of the monitor. Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply a force with a vertical component of less than ten Newtons to one or more of or of less than one Newton to one or more of in order to move the monitor support assembly vertically. Absent of any teaching or criticality or providing an advantage or solving a state problem is also consider as an obvious matter of design choice. Therefore it would have also been an obvious matter of design choice to modify Ishizaki et al to obtain the invention as specified in claims 3-4.

As to claim 5, Ishizaki et al as modified also read on claims5, wherein the second assembly (53) includes one or more of, a moveable lever (53A) connected for movement by the servo and configured to bear on one or more of, the monitor support assembly and the monitor support assembly guide to produce the friction force, and a turnable screw (53B) in combination with 51, 52, 54) connected to be turned by the servo and configured to bear on one or more of, the monitor support assembly, and the monitor support assembly guide to produce the friction force.

As to claim 6, wherein the second assembly includes one or more of, a moveable friction plate (51, 52, 54) connected for movement by the servo and configured to bear on one or more of, the monitor support assembly and the monitor support assembly

guide to produce the user configurable friction force and an arm (52) configured to bear on one or more of, the monitor support assembly, and the monitor support assembly guide to produce the user configurable friction force.

As to claim 7, the recitation of claim 7 appears to be only in functional statement since the monitor is not claimed in claim 1. Therefore this functional statement has not been given patentable weight. Nevertheless, Ishizaki et al. teaches as such which includes a flat panel computer monitor (D) (Fig. 4).

As to claim 25, Ishizaki also discloses a stand including a base (11) (Fig. 1).

As to claims 8-13 and 17-20, these claims recited limitations somewhat similar to those recited in claims 1-7 respectively, are therefore also rejected under 103 as being unpatentable over Ishizaki et al., where a base reads on element (11), means (spring 2) for providing a fixed lifting force, and a guide reads on element (1) supported by the base.

Response to Arguments

Applicant's petition and amendment filed 5/29/07 have been fully considered, However, upon further consideration, a new ground of rejection is made in view of Ishizaki et al. with respect to claims 1-7, 8-13, 17-20 and 25. Claims 21-24 remained withdrawn.

Conclusion

This action is made NON-FINAL.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tan Le
August 10, 2007.



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER